HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 7226 of 2002

Dated 11.07.2007

Between:

Gopala Krishna Theatre and others.

...Petitioners

and

The Union of India and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 7226 of 2002

O R D E R:

Petitioners are Cinema Theatres at Gudivada of Krishna District. They feel aggrieved by the action of the Films Division, Hyderabad, 4th respondent herein, in requiring them to pay the arrears of certain amounts and insisting on exhibition of Indian News Review Films.

Petitioners state that on account of uncertainty, as to the liability to pay the amount towards supply of short films by the 4th respondent, corresponding amounts were not paid and after the Judgment of the Supreme Court in ***Union of Inida vs. Motion Pictures Association***[1], the payments were being made promptly. It is alleged that when the licences were not being renewed, on account of non-payment of arrears, the petitioners and other similarly situated theatres, approached this Court by filing W.P.No.21402 of 1999 and batch, which, in turn, gave raise to W.A.No.298 of 2001 and batch. It is pleaded that a Division Bench of this Court held that the licence of a theatre cannot be denied renewal, on account of non-payment of the arrears payable to the 4th respondent. Petitioners contend that in spite of the specific directions issued by the Division Bench of this Court, the respondents are insisting on payment of arrears.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home. Though five years have elapsed, the respondents have not chosen to file any counter affidavit.

From a perusal of the order, dated 21.08.2001, passed by a Division Bench of this Court in W.A.No.298 of 2002 and batch, it is evident that the respondents were placed under obligation to renew the licences, without insisting on payment of the arrears for supply of short films by the 4th respondent. The petitioners did not file any specific orders, through which the renewal of their licences was denied or rejected. However, the respondents are under obligation to follow the law laid down by this Court in W.A.298 of 2002 and batch.

Hence, the writ petition is disposed of, directing that the respondents shall renew the licences of the petitioners, without insisting on clearance of arrears towards supply of short films by the 4th respondent. In case, the arrears are otherwise recoverable, it shall be open to the respondents to effect recovery, in accordance with law. There shall be no order as to costs.

11.07.2007

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[1] (1996) 6 SCC 150